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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 United States of America,

10 Plaintiff,

11 v.

12 Eliseo Aviles-Mendiola,

13 Defendant.
14

NO. 18-01750MJ-001

ORDER OF DETENTION PENDING
TRIAL

15 In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing
16 has been submitted. I conclude that the following facts are established:

17 *(Check one or both, as applicable.)*

18 ☐ by clear and convincing evidence the defendant is a danger to the community and
19 require the detention of the defendant pending trial in this case.

20 ☒ by a preponderance of the evidence the defendant is a serious flight risk and
21 require the detention of the defendant pending trial in this case.

22 PART I -- FINDINGS OF FACT

23 ☐ (1) 18 U.S.C. § 3142(e)(2)(A): The defendant has been convicted of a (federal
24 offense)(state or local offense that would have been a federal offense if a circumstance
25 giving rise to federal jurisdiction had existed) that is

26 ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).

27 ☐ an offense for which the maximum sentence is life imprisonment or death.

28 ☐ an offense for which a maximum term of imprisonment of ten years or

1 Bureau of Immigration and Customs Enforcement, placing him/her beyond the
2 jurisdiction of this Court.

3 ☐ The defendant has no significant contacts in the United States or in the
4 District of Arizona.

5 ☐ The defendant has no resources in the United States from which he/she
6 might make a bond reasonably calculated to assure his/her future appearance.

7 ☒ The defendant has a prior criminal history.

8 ☐ The defendant lives and works in Mexico.

9 ☐ The defendant is an amnesty applicant but has no substantial ties in Arizona
10 or in the United States and has substantial family ties to Mexico.

11 ☐ There is a record of prior failure to comply with court order.

12 ☐ The defendant attempted to evade law enforcement contact by fleeing from
13 law enforcement.

14 ☐ The defendant is facing a minimum mandatory of _____
15 incarceration and a maximum of _____.

16 ☒ The defendant does not dispute the information contained in the Pretrial Services
17 Report, except: _____

18
19 ☐ In addition: _____
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21 The Court incorporates by reference the findings of the Pretrial Services Agency
22 which were reviewed by the Court at the time of the hearing in this matter.
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24 **PART III -- DIRECTIONS REGARDING DETENTION**

25 The defendant is committed to the custody of the Attorney General or his/her
26 designated representative for confinement in a corrections facility separate, to the extent
27 practicable, from persons awaiting or serving sentences or being held in custody pending
28 appeal. The defendant shall be afforded a reasonable opportunity for private consultation

1 with defense counsel. On order of a court of the United States or on request of an
2 attorney for the Government, the person in charge of the corrections facility shall deliver
3 the defendant to the United States Marshal for the purpose of an appearance in
4 connection with a court proceeding.

5 **PART IV -- APPEALS AND THIRD PARTY RELEASE**

6 IT IS ORDERED that should an appeal of this detention order be filed with the
7 District Court, it is counsel's responsibility to deliver a copy of the motion for
8 review/reconsideration to Pretrial Services at least one day prior to the hearing set before
9 the District Court. Pursuant to Rule 59(a), FED.R.CRIM.P., effective December 1, 2009,
10 Defendant shall have fourteen (14) days from the date of service of a copy of this order or
11 after the oral order is stated on the record within which to file specific written objections
12 with the district court. Failure to timely file objections in accordance with Rule 59(a)
13 may waive the right to review. 59(a), FED.R.CRIM.P.

14 IT IS FURTHER ORDERED that if a release to a third party is to be considered, it
15 is counsel's responsibility to notify Pretrial Services sufficiently in advance of the hearing
16 before the District Court to allow Pretrial Services an opportunity to interview and
17 investigate the potential third party custodian.

18 DATE: August 10, 2018

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21 _____
22 James F. Metcalf
23 United States Magistrate Judge
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